

LEGISLATURE OF NEBRASKA

NINETY-NINTH LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 801

Introduced by Baker, 44

Read first time January 4, 2006

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to motor carriers; to amend sections 75-109.01,
2 75-370, and 75-371, Reissue Revised Statutes of Nebraska;
3 to eliminate certain provisions related to transportation
4 of hazardous materials; to harmonize provisions; to
5 repeal the original sections; and to outright repeal
6 sections 75-383 and 75-384, Reissue Revised Statutes of
7 Nebraska.

8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 75-109.01, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 75-109.01 Except as otherwise specifically provided by
4 law, the Public Service Commission shall have jurisdiction, as
5 prescribed, over the following subjects:

6 (1) Common carriers, generally, pursuant to sections
7 75-101 to 75-158;

8 (2) Grain pursuant to the Grain Dealer Act and the Grain
9 Warehouse Act and sections 89-1,104 to 89-1,108;

10 (3) Manufactured homes and recreational vehicles
11 pursuant to the Uniform Standard Code for Manufactured Homes and
12 Recreational Vehicles;

13 (4) Modular housing units pursuant to the Nebraska
14 Uniform Standards for Modular Housing Units Act;

15 (5) Motor carrier registration and safety pursuant to
16 sections 75-301 to 75-322, 75-369.03, 75-370, and 75-371; ~~75-383,~~
17 ~~and 75-384;~~

18 (6) Pipeline carriers and rights-of-way pursuant to
19 sections 57-1301 to 57-1307 and 75-501 to 75-503;

20 (7) Railroad carrier safety pursuant to sections 74-918,
21 74-919, 74-1323, and 75-401 to 75-430;

22 (8) Telecommunications carriers pursuant to the
23 Automatic Dialing-Announcing Devices Act, the Emergency Telephone
24 Communications Systems Act, the Enhanced Wireless 911 Services
25 Act, the Intrastate Pay-Per-Call Regulation Act, the Nebraska

1 Telecommunications Regulation Act, the Nebraska Telecommunications
2 Universal Service Fund Act, the Telecommunications Relay System
3 Act, the Telephone Consumer Slamming Prevention Act, and sections
4 86-574 to 86-580;

5 (9) Transmission lines and rights-of-way pursuant to
6 sections 70-301 and 75-702 to 75-724;

7 (10) Water service pursuant to the Water Service
8 Regulation Act; and

9 (11) Jurisdictional utilities governed by the State
10 Natural Gas Regulation Act. If the provisions of Chapter 75
11 are inconsistent with the provisions of the State Natural Gas
12 Regulation Act, the provisions of the State Natural Gas Regulation
13 Act control.

14 Sec. 2. Section 75-370, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 75-370 Enforcement of sections 75-307 to 75-307.03, and
17 75-309, ~~75-383~~, ~~and 75-384~~ shall be carried out by the carrier
18 enforcement division of the Nebraska State Patrol or the Nebraska
19 State Patrol pursuant to the rules and regulations adopted and
20 promulgated by the commission to enforce such sections. Any
21 violation of such sections by any regulated motor carrier, motor
22 carrier, or private carrier shall be referred to the commission for
23 disposition under section 75-156, and the commission may take any
24 other action provided by section 75-133.

25 Sec. 3. Section 75-371, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 75-371 Any person, private carrier, common carrier, or
3 contract carrier which operates any motor vehicle in violation
4 of section 75-307, 75-307.01, 75-307.02, or 75-307.03, ~~75-383,~~
5 ~~or 75-384~~ or any rule, regulation, or order of the commission
6 pertaining to any of such sections shall be guilty of a Class IV
7 misdemeanor. Each day of such violation shall constitute a separate
8 offense.

9 Sec. 4. Original sections 75-109.01, 75-370, and 75-371,
10 Reissue Revised Statutes of Nebraska, are repealed.

11 Sec. 5. The following sections are outright repealed:
12 Sections 75-383 and 75-384, Reissue Revised Statutes of Nebraska.